

<div>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</div>		<div>FOR COURT USE ONLY</div>	
<div><div><input type="checkbox"/> Individual appearing without attorney</div><div><input type="checkbox"/> Attorney for:</div></div>			
<div>UNITED STATES BANKRUPTCY COURT</div> <div>CENTRAL DISTRICT OF CALIFORNIA - _____ DIVISION</div>			
<div>In re:</div>		<div>CASE NO.:</div> <div>CHAPTER: 11</div>	
		<div>NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER AUTHORIZING PAYMENT OF PREPETITION PAYROLL AND TO HONOR PREPETITION EMPLOYMENT PROCEDURES [LBR 2081-1(a)(6)]</div>	
		<div>This motion is being made under <u>ONLY ONE</u> of the following notice procedures:</div> <div><div><input type="checkbox"/> No hearing unless requested under LBR 9013-1(o)(4); or</div><div><input type="checkbox"/> Hearing requested on emergency basis: LBR 9075-1(a); or</div><div><input type="checkbox"/> Hearing requested on shortened notice: LBR 9075-1(b); or</div><div><input type="checkbox"/> Hearing set on regular notice: LBR 9013-1(c):</div></div>	
		<div>DATE:</div> <div>TIME:</div> <div>COURTROOM:</div> <div>PLACE:</div>	
<div>Debtor(s).</div>			

1. **PLEASE TAKE NOTICE THAT** Debtor, moves this court for an order authorizing payment of prepetition payroll and to honor prepetition employment procedures.
2. **NOTICE PROVISIONS AND DEADLINES FOR FILING AND SERVING A WRITTEN RESPONSE:** Your rights might be affected by this Motion. You may want to consult an attorney. Refer to the box checked below for the deadline to file and serve a written response. If you fail to timely file and serve a written response, the court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief. You must serve

a copy of your opposition upon the Debtor and Debtor's attorney and the United States trustee, and also serve a copy on the judge pursuant to LBR 5005-2(d) and the Court Manual.

- a. ☐ **No Hearing Scheduled; Notice Provided Under LBR 9013-1(o):** This Motion is filed by Debtor pursuant to LBR 9013-1(o), which provides for granting of motions without a hearing. The full Motion is attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response and request for hearing with the court and serve it as stated above, **no later than 14 days after the date stated on the Proof of Service of this Motion** plus 3 additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). Your opposition must comply with LBR 9013-1(f) and (o).
- b. ☐ **Hearing Requested on Emergency Basis under LBR 9075-1(a): Hearing Requested on Emergency Basis under LBR 9075-1(a):** Debtor has contacted the court and requested an emergency hearing on less than 48 hours notice. If the court grants the request, you will receive a separate Notice of Hearing that identifies the deadline for the Debtor to file and serve the Motion and the deadline for you to file and serve a written response. If the court denies the request to set an emergency hearing, the Debtor will provide written notice of a regular hearing date or other disposition of this motion and the deadline for filing an opposition.
- c. ☐ **Hearing Requested on Shortened Notice under LBR 9075-1(b):** Debtor has filed a separate motion asking the court to set a hearing on shortened notice, titled Application for Order Setting Hearing on Shortened Notice (Application). If the court grants the Application, the Debtor will serve you with another document providing notice. The deadline to file and serve a written response will be contained in this document. If the court denies the Application, the Debtor will provide written notice of a regular hearing date or other proposed disposition of this motion.
- d. ☐ **Hearing Set on Regular Notice; Notice Provided Under LBR 9013-1(c):** This Motion is set for hearing on regular notice pursuant to LBR 9013-1(c). The full Motion and supporting documentation are attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response with the court and serve it as stated above **no later than 14 days prior to the hearing**. Your response must comply with LBR 9013-1(f). The undersigned hereby verifies that the hearing date and time selected were available for this type of Motion according to the judge's self-scheduling procedures [LBR 9013-1(b)].
- e. ☐ **Other (specify):** _____

Date: _____

By: _____
Signature of Debtor

Name: _____
Printed name of Debtor

Date: _____

By: _____
Signature of attorney for Debtor, if any

Name: _____
Printed name of attorney for Debtor, if any

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

**MOTION FOR ORDER AUTHORIZING PAYMENT OF PREPETITION DATE
PAYROLL AND TO HONOR PREPETITION PAYROLL PROCEDURES [LBR 2081-1(a)(6)]**

1. In order to prepare properly a plan for reorganization, Debtor must be able to retain and pay his/her employees.
2. Debtor requests that this court authorize the Debtor to pay outstanding balances of prepetition payroll as set forth in specific detail in the list of employees, prepetition wages and insider designation (List), attached hereto, and to continue prepetition payroll procedures.
3. Debtor hereby declares under penalty of perjury that the following are true and correct:
 - a. The employees set forth in the List are still employed by the Debtor;
 - b. The payment of the balances owed on prepetition payroll are necessary to fairly compensate the employees for the reasonable value of services performed in the ordinary course of employment consistent with historical payment terms;
 - c. The prepetition payroll procedures sought to be continued are beneficial to the chapter 11 estate;
 - d. The Debtor has a reasonable prospect of reorganizing through chapter 11;
 - e. Any employees who are insiders, are clearly identified in the attached List;
 - f. The employees' claims are either within the limits established by 11 U.S.C. § 507(a)(4) or (5) or are clearly bifurcated in the list of employees, prepetition wages and insider designation, into amounts within the limit and amounts in excess of the limit;
 - g. The payment(s) proposed will not render the estate administratively insolvent since there will be at least \$_____ cash reserves following the proposed payment(s).

WHEREFORE, Debtor prays that he/she be authorized to make the payments to employees as outlined in the List attached hereto, and that he/she be authorized to continue prepetition payroll procedures.

Date: _____

By: _____
Signature of Debtor

Name: _____
Printed name of Debtor

Date: _____

By: _____
Signature of attorney for Debtor, if any

Name: _____
Printed name of attorney for Debtor, if any

**DECLARATION OF DEBTOR IN SUPPORT OF MOTION FOR
ORDER AUTHORIZING PAYMENT OF PREPETITION DATE PAYROLL
AND HONOR PREPETITION PAYROLL PROCEDURES [LBR 2081-1(a)(6)]**

1. I am the Debtor in this chapter 11 bankruptcy case. I make the following statements based upon my own personal knowledge.

2. I have attached hereto a true and correct List.

3. All of the employees set forth in the attached List are still employed by the Debtor.

4. The payroll and employee procedures sought to be continued are beneficial to the chapter 11 estate, because _____.

5. The payment of the balances owed on prepetition payroll are necessary to fairly compensate the employees for the reasonable value of services performed in the ordinary course of employment and consistent with historic payment terms.

6. Debtor has a reasonable prospect of reorganization because _____

7. Employees who are insiders, if any, are clearly set forth as such in the attached list.

8. The employee claims are set forth in the attached List and any amount in excess of the limit under 11 U.S.C. § 507 is separately listed.

9. After payment of the proposed payments, there will be at least \$ _____ cash reserves.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

LIST OF EMPLOYEES, PREPETITION WAGES AND INSIDER DESIGNATION

EMPLOYEE NAME		DOLLAR AMOUNT OF PREPETITION WAGES UP TO LIMIT OF 11 U.S.C. § 507	DOLLAR AMOUNT OF PREPETITION WAGES ABOVE LIMIT OF 11 U.S.C. § 507	INSIDER (Yes or No)
1		\$	\$	
2		\$	\$	
3		\$	\$	
4		\$	\$	
5		\$	\$	
6		\$	\$	
7		\$	\$	
8		\$	\$	
9		\$	\$	
10		\$	\$	
11		\$	\$	
12		\$	\$	
13		\$	\$	
14		\$	\$	
15		\$	\$	
16		\$	\$	
17		\$	\$	
18		\$	\$	
19		\$	\$	
20		\$	\$	
21		\$	\$	
22		\$	\$	
23		\$	\$	
24		\$	\$	
25		\$	\$	

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**DECLARATION OF DEBTOR'S COUNSEL IN SUPPORT OF
MOTION FOR ORDER AUTHORIZING PAYMENT OF PREPETITION DATE
PAYROLL AND HONOR PREPETITION PAYROLL PROCEDURES [LBR 2081-1(a)(6)]**

1. I am the proposed General Counsel for the Debtor in this chapter 11 bankruptcy case. I make the following statements based upon my own personal knowledge.
2. I believe that the Debtor has a reasonable prospect of reorganizing through chapter 11.
3. I believe that the Debtor will be able to make the proposed payments without being rendered administratively insolvent.
4. The Estate would be adversely affected because: _____

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER AUTHORIZING PAYMENT OF PREPETITION PAYROLL AND TO HONOR PREPETITION EMPLOYMENT PROCEDURES [LBR 2081-1(a)(6)]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

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